

Assembly Bill No. 967

Passed the Assembly August 30, 2001

Chief Clerk of the Assembly

Passed the Senate August 27, 2001

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 18941.9 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

AB 967, Chan. Building standards: military bases.

Existing law authorizes until January 1, 2007, the governing body of a local agency to adopt an ordinance permitting certain buildings or other structures located on military bases, including specified buildings at the Oakland Army Base and the Alameda Naval Air Station, to comply with specified provisions establishing state building standards and state standards of fire safety, or any regulations or standards adopted pursuant to state building standards, in a graduated manner over a period of no more than 7 years from the date that the property has been transferred by the federal government to the local agency, if specified conditions are met, including the adoption of a graduated compliance plan by January 1, 2000.

This bill would include additional specified buildings at the Oakland Army Base and the Alameda Naval Air Station, within that authority.

The people of the State of California do enact as follows:

SECTION 1. Section 18941.9 of the Health and Safety Code is amended to read:

18941.9. (a) The governing body of a local agency may adopt an ordinance that allows a building or other structure located on a former military base to comply with this part and Division 12 (commencing with Section 13000), or any regulations or standards adopted pursuant to this part, in a graduated manner over a period of no more than seven years.

(b) This section shall apply only to those buildings and other structures located on the following military bases or on specified portions of former military bases that were selected for closure or realigned by action of the federal Defense Base Closure and Realignment Commission:



(1) At the former Castle Air Force Base, Building 1015 and Building 1075.

(2) At the former Hamilton Air Force Base, approximately 38 acres, commonly known as Planning Areas 6, 8, 9, and 10.

(3) The former Hunter's Point Naval Shipyard.

(4) The former Treasure Island Naval Station.

(5) The former San Diego Naval Training Center.

(6) At the Marine Corps Air Station-Tustin, approximately 100 acres, commonly known as Planning Areas 1, 2, 3, 6, 8, 9, 10, 16, and 17.

(7) At the Marine Corps Air Services-El Toro, Buildings 295, 296, 297, 313, 317, 318, 319, 360, 371, and 722.

(8) At the former Castle Air Force Base, Buildings 54, 175, 765, 871, 1015, 1200, 1212, 1213, 1319, 1320, 1322, 1324, 1332, 1333, 1335, 1340, 1509, 1535, 1540, and 1545.

(9) At the former Alameda Naval Air Station, Buildings 2, 3, 4, 5, 8, 16, 17, 18, and 94.

(10) At the Point Molate Naval Fuel Depot, Buildings 1, 6, 17, 63, 76, 85, 87, 123, and 132.

(11) At the Oakland Army Base, Buildings 001, 004, 005, 006, 006T, 010, 011, 014, 015, 060, 070, 085, 090, 099, 590, 640, 641, 645, 646, 650, 655, 660, 690, 701, 726, 738, 740, 780, 790, 792, 794, 796, 802, 803, 804, 805, 806, 807, 808, 812, 821, 822, and 823.

(c) The period for graduated compliance shall begin with the earlier of either the date the title to the property was transferred by, or the date a lease is entered into with, the federal government to the local agency.

(d) The authority for a local agency to adopt an ordinance pursuant to this section is an alternative to the authority provided by Section 18941.7, and shall not be used consecutively with Section 18941.7.

(e) An ordinance adopted by a local agency pursuant to subdivision (a) shall not apply to a building or other structure that will be used as a residence.

(f) Prior to the adoption of the ordinance pursuant to subdivision (a), each of the following conditions shall be met:

(1) The use of the building or other structure is not hazardous to life safety, fire safety, health, or sanitation, as determined by the

application of state and local building and fire codes and standards by the local building official and fire marshal.

(2) The building or other structure has been transferred by the federal government to the local agency or is under a lease between the local agency and the federal government.

(3) The governing body of the local agency adopts a graduated compliance plan that includes all of the following:

(A) Requirements for buildings and structures with:

(i) No change in occupancy or use with no anticipated alterations.

(ii) No change in occupancy or use with planned alterations.

(iii) Change in occupancy or use with no anticipated alterations.

(iv) Change in occupancy or use with planned alterations.

(B) Requirements for a building and structure compliance inspection and a fire department inspection, and for preparation of inspection reports, prior to issuing a certificate of occupancy.

(C) Requirements for the inspection reports prepared pursuant to subparagraph (B) to be attached to the certificate of occupancy or provided to the occupants of the building or other structure.

(D) Requirements for the terms and period of time for compliance to be specified in the certificate of occupancy.

(E) Requirements that the alterations conform to the standards that were in effect at the time of the alteration.

(g) (1) Before adopting the graduated compliance plan, the local agency shall arrange for the review of the draft plan by an engineer, architect, or building inspector. The engineer or architect shall be licensed by the State of California, and the building inspector shall be certified by the International Conference of Building Officials or another similar recognized state, national, or international association. The engineer, architect, or building inspector shall not be an employee of the local agency.

(2) The engineer, architect, or building inspector shall review the draft plan for its consistency with the requirements of this section, and report his or her written findings and recommendations to the local agency. If the engineer, architect, or building inspector finds that the draft plan is not consistent with the requirements of this section, the engineer, architect, or building inspector shall recommend changes to the draft plan to achieve consistency.



(3) The local agency shall consider the findings and recommendations of the engineer, architect, or building inspector. If the engineer, architect, or building inspector finds that the draft plan is not consistent with the requirements of this section, the local agency shall take one of the following actions:

(A) Change the draft plan to be consistent with the requirements of this section, as recommended by the engineer, architect, or building inspector.

(B) Adopt the draft plan with some of the recommended changes or without changes, if the local agency makes written findings that explain the reasons why the local agency believes that the draft plan, as adopted, is consistent with the requirements of this section despite the findings and recommendations of the engineer, architect, or building inspector that were not adopted by the local agency.

(4) The local agency shall file a copy of the approved graduated compliance plan with the California Building Standards Commission.

(h) (1) Five years after the beginning of the period for graduated compliance specified in subdivision (b), the local agency shall arrange for an engineer, architect, or building inspector to determine whether the buildings or other structures adhere to the graduated compliance plan. The engineer or architect shall be licensed by the State of California and the building inspector shall be certified by the International Conference of Building Officials or another similar recognized state, national, or international association. The engineer, architect, or building inspector shall not be an employee of the local agency.

(2) If the engineer, architect, or building inspector determines that the building or other structure does not adhere to the graduated compliance plan, the local building official shall initiate appropriate proceedings to withdraw the certificate of occupancy for that building or structure.

(i) Nothing in this section affects the requirement of state consent to retrocession pursuant to Section 113 of the Government Code.

(j) As used in this section, “local agency” means a city, county, or city and county. When authorized by state law or local ordinance to adopt and administer building and fire safety codes and standards, a community redevelopment agency, a reuse entity, or



a joint powers agency may also be a “local agency” for the purposes of this section.

(k) Any taxpayer, property owner, resident, or public agency has standing to enforce the provisions of this section.

(l) Nothing in this section shall affect local, state, or federal laws as they relate to access to the disabled.

(m) This section shall remain in effect only until January 1, 2007, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2007, deletes or extends that date.

SEC. 2. The Legislature finds and declares that, because of the unique circumstances applicable only to the Oakland Army Base, a statute of general applicability cannot be enacted within the meaning of subdivision (b) of Section 16 of Article IV of the California Constitution. Therefore, this special statute is necessary.



Approved _____, 2001

Governor

